

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID MONTANO AND
GASTON NIEVES,
Plaintiffs,

VS.

MONTROSE RESTAURANT ASSOCIATES,
INC. d/b/a RESTAURANT ASSOCIATES
PAYROLL a/k/a TONY'S AND
TONY'S RESTAURANT,
Defendant.

CIVIL ACTION NO. 4:12-cv-00153

DEFENDANT'S MOTION FOR STATUTORY COSTS

In accordance with Federal Rule of Civil Procedure 54(d)(1) and Southern District of Texas Local Rule LR54.2, Defendant, Montrose Restaurant Associates, Inc. d/b/a Restaurant Associates Payroll a/k/a Tony's and Tony's Restaurant, submits the attached proposed Bill of Costs and supporting documentation and requests that the Clerk tax costs in the amount of \$1,392.57 against the Plaintiffs.

Respectfully submitted,

NATHAN SOMMERS JACOBS
A Professional Corporation

By: /s/ George R. Gibson

George R. Gibson
Texas Bar No. 00793802
Federal ID No. 19879
Attorney-in-Charge for Montrose Restaurant
Associates, Inc.
2800 Post Oak Boulevard, 61st Floor
Houston, Texas 77056
713.960.0303 - telephone
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ATTORNEY FOR MONTROSE RESTAURANT
ASSOCIATES, INC.

OF COUNSEL:

NATHAN SOMMERS JACOBS

A Professional Corporation

Marvin D. Nathan

Texas Bar No. 14817000

Southern District Bar No. 9408

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Defendant's Motion for Statutory Costs was electronically transmitted to the District Clerk for the United States District Court, Southern District of Texas, for filing on March 2, 2017, and electronic notice was given to the following ECF registrant:

Trang Q. Tran
Tran Law Firm L.L.P.
3050 Post Oak, Suite 1720
Houston, Texas 77056

By ECF
and E-mail

/s/ George R. Gibson

George R. Gibson

W:\Vallone, Tony\Montano, David\US District Court 4-12-Cv-00153\Mtn For Statutory Costs.docx

UNITED STATES DISTRICT COURT

for the
Southern District of TexasDavid Montano and Gaston Nieves
v.
Montrose Restaurant Associates Inc. d/b/a
Restaurant Associates Payroll a/k/a Tony's

Case No.: 4:12-cv-00153

BILL OF COSTS

Judgment having been entered in the above entitled action on 03/01/2017 against Plaintiffs,
Date
the Clerk is requested to tax the following as costs:

| | |
|--|--------------------|
| Fees of the Clerk | \$ _____ |
| Fees for service of summons and subpoena | _____ |
| Fees for printed or electronically recorded transcripts necessarily obtained for use in the case | <u>830.07</u> |
| Fees and disbursements for printing | _____ |
| Fees for witnesses (<i>itemize on page two</i>) | <u>0.00</u> |
| Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case. | _____ |
| Docket fees under 28 U.S.C. 1923 | _____ |
| Costs as shown on Mandate of Court of Appeals | _____ |
| Compensation of court-appointed experts | _____ |
| Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 | <u>562.50</u> |
| Other costs (<i>please itemize</i>) | _____ |
| TOTAL | \$ <u>1,392.57</u> |

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: /s/ George R. GibsonName of Attorney: George R. GibsonFor: Montrose Restaurant Associates, Inc.*Name of Claiming Party*Date: 03/02/2017

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NOTICE

"Sec. 1924. Verification of bill of costs."

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

O'Halla Reporting, Inc.

P.O. Box 20101, Houston, Texas 77225-0101

713-664-8398

June 13, 2016

Mr. George R. Gibson
Nathan Sommers Jacobs
2800 Post Oak Blvd., 61st Floor
Houston, Texas 77056

Invoice #16RM531/13A

Tax ID #76-0529408

Re: Civil Action No. 4:12-cv-00153, USDC, Southern District, Houston Division
David Montano, et al vs. Montrose Restaurant Associates, Inc. d/b/a
Restaurant Associates Payroll a/k/a Tony's and Tony's Restaurant

For services rendered in providing transcription of the depositions of:

David Montano – 05/31/16 - \$400.80
Gaston Nieves – 05/31/16 - \$276.40

Total Due - \$677.20

Thank You!

AUG 31 2016

INVOICE

CINDI BENCH REPORTING
CERTIFIED SHORTHAND REPORTERS

12946 Dairy Ashford, Suite 400
Sugar Land, Texas 77478-3649

281.565-8222 Fax: 281.565-8220 Toll Free: 877.896-9395

www.cindibenchreporting.com

August 30, 2016
Invoice No. 16-2211

Net 30 Days
Tax ID No. 26-0122736

Mr. George Gibson
Nathan Sommers Jacobs
2800 Post Oak Blvd., # 61st Floor
Houston, Tx 77056

Re: Cause No.412cv00153; David Montano, et al vs. Montrose Restaurant Associates, et al; USDC
Houston;

Oral Deposition of: Tony Vallone - Copy \$ 152.87

Taken August 12, 2016

Invoice No. 16-2211
Amount Enclosed \$152.87
Montano vs. Montrose Restaurant
Repts: deft
Depo of Vallone
Atty: gibson

Remit Payment to:
Cindi Bench Reporting
12946 Dairy Ashford, Suite 400
Sugar Land, TX 77478-3649

Please tear off stub and return with payment.

PAYMENT WITH CREDIT CARD

Cardholder's Name: _____
Card No: _____
Exp. Date: _____
Billing Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____
Amount to Charge: \$ _____
Cardholder Signature: _____



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600 Main Street
Platte City, MO 64018
cti@ctitranslators.com

BILL TO

Nathan Sommers Jacobs
2800 Post Oak Boulevard
61st Floor
Houston, Texas 77056 (713)
892-4846

INVOICE # 2093**DATE 06/08/2016****DUE DATE 07/20/2016****TERMS Net 30****JOB#**

11869

| ACTIVITY | QTY | RATE | AMOUNT |
|---|------|--------|--------|
| Interpretation | 2.50 | 125.00 | 312.50 |
| Spanish services on 05/31/2016 from 11:30 a.m. - 02:00 p.m. | | | |
| Deposition | | | |
| Deponent: Montano, David | | | |
| Civil Action 4:12-cv-00153 | | | |
| Location: Tran Law Firm LLP | | | |
| 9801 Westheimer Road | | | |
| Suite 302 | | | |
| Houston TX 77042 | | | |

We look forward to helping you again in the future, whether it be for an interpretation in over 100 languages, a certified translation in over 150 languages, a transcription or another language related service.

BALANCE DUE**\$312.50**

Thank you again for your preference!



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Certified Translators & Interpreters

600 Main Street
Platte City, MO 64018
cti@ctitranslators.com

BILL TO

Nathan Sommers Jacobs
2800 Post Oak Boulevard
61st Floor
Houston, Texas 77056 (713)
892-4846

INVOICE # 2094**DATE** 06/08/2016**DUE DATE** 06/20/2016**TERMS** Due on receipt**JOB#**

11870

| ACTIVITY | QTY | RATE | AMOUNT |
|---|-----|--------|--------|
| Interpretation | 2 | 125.00 | 250.00 |
| Spanish services on 05/31/2016 from 02:00 p.m. - 04:00 p.m. | | | |
| Deposition | | | |
| Deponent: Nieves, Gaston | | | |
| Civil Action No 4:12-cv-00153 | | | |
| Location: Tran Law Firm LLP | | | |
| 9801 Westheimer Road | | | |
| Suite 302 | | | |
| Houston TX 77042 | | | |

We look forward to helping you again in the future, whether it be for an interpretation in over 100 languages, a certified translation in over 150 languages, a transcription or another language related service.

BALANCE DUE**\$250.00**

Thank you again for your preference!